



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

IN THE MATTER OF:

<b>MCLAUGHLIN'S TIMBER TRUCKING, INC.</b>	)	<b>ADMINISTRATIVE CONSENT</b>
<b>ORRINGTON, MAINE</b>	)	<b>AGREEMENT</b>
<b>NRPA, §413</b>	)	<b>(38 M.R.S.A. § 347-A)</b>
<b>2008-062-L</b>	)	

This Agreement, by and among McLaughlin's Timber Trucking, Inc., the State of Maine, Department of Environmental Protection ("Department"), and the State of Maine, Department of the Attorney General ("AG"), as approved by the Maine Board of Environmental Protection ("Board"), is entered into pursuant to the laws concerning the Department's *Organization and Powers*, 38 M.R.S.A. § 347-A(1).

The parties agree as follows:

1. Dwayne Eunson owns a parcel of land at 542 Betts Road in Orrington, Maine as described and recorded in Book 10181 on Page 161 of the Penobscot County Registry of Deeds.
2. McLaughlin's Timber Trucking, Inc. is a Maine corporation in good standing to conduct business in Maine and maintains its principal corporate office in Medway Maine. Jay McLaughlin is the President of McLaughlin's Timber Trucking, Inc.
3. McLaughlin's Timber Trucking, Inc. was hired by Dwayne Eunson to conduct a timber harvest on property described in Paragraph 1 of this Agreement.
4. The property described in Paragraph 1 of this Agreement contains a portion of a river, stream or brook as defined by the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-B(9), and waters of the State as defined by the *Protection and Improvement of Water Law*, 38 M.R.S.A. § 361-A(7).
5. On May 9, 2008, Department staff conducted an inspection of the property described in Paragraph 1 of this Agreement and found that McLaughlin's Timber Trucking Inc. had, in course of logging the parcel, crossed an unnamed stream three times. The lowest of the three crossings had caused the stream to be diverted into a skid trail that paralleled the stream channel for a length of 200 feet. The diversion caused the 200 feet of stream to be dewatered. Staff noted that soil had been discharged into the stream at each of the three crossings. Staff did not note any erosion controls at the stream crossings during the May 9, 2008 inspections.

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
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106 HOGAN ROAD  
BANGOR, MAINE 04401  
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PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
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PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
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IN THE MATTER OF:

MCLAUGHLIN'S TIMBER TRUCKING, INC.	)	ADMINISTRATIVE CONSENT
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2008-062-L	)	

6. By dewatering 200 feet of a river, stream or brook without first obtaining a permit from the Department, McLaughlin's Timber Trucking, Inc. violated the Natural Resources Protection Act, 38 M.R.S.A. §480-C.
7. By causing the discharge of a pollutant, namely gravel, to waters of the state without first obtaining a permit from the Department, McLaughlin's Timber Trucking, Inc. violated the Protection and Improvement of Waters Act, 38 M.R.S.A. §413.
8. On June 6, 2008, the Department issued a Notice of Violation to McLaughlin's Timber Trucking, Inc. regarding the violation(s) described in Paragraphs 5 through 7 of this Agreement.
9. On May 11, 2009, Department staff re-inspected the property described in Paragraph 1 of this Agreement. The inspection revealed that McLaughlin's Timber Trucking, Inc. had restored and stabilized the stream. The restoration and stabilization was completed to staff's satisfaction.
10. On November 20, 2009, Jay McLaughlin and three employees attended and completed a skidder bridge mat construction workshop sponsored by the Certified Logging Professional program.
11. The Board has regulatory authority over the activities described herein.
12. This Agreement shall become effective only if accepted by the Board and approved by the Attorney General.
13. To resolve the violations referred to in Paragraphs 5 through 7 of this Agreement, McLaughlin's Timber Trucking, Inc. agrees to pay the Treasurer, State of Maine, upon signing this Agreement, the sum of One Thousand Nine Hundred Forty dollars (\$1940.00) as a civil monetary penalty.
14. The Board and the State of Maine Attorney General grant McLaughlin's Timber Trucking, Inc. a release of their causes of action against McLaughlin's Timber Trucking, Inc. for the specific violations listed in Paragraphs 5 through 7 of this Agreement on the express condition that all actions listed in Paragraph 13 of this Agreement are completed in accordance with the express terms and conditions of this Agreement. The release shall not become effective until this condition is satisfied.

IN THE MATTER OF:

MCLAUGHLIN'S TIMBER TRUCKING, INC.  
ORRINGTON, MAINE  
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ADMINISTRATIVE CONSENT  
AGREEMENT  
(38 M.R.S.A. § 347-A)

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of three (3) pages.

MCLAUGHLIN'S TIMBER TRUCKING, INC.

BY: Jay McLaughlin DATE: 1-10-2011  
JAY MCLAUGHLIN, PRESIDENT

BOARD OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
SUSAN M. LESSARD, CHAIR

SEEN AND AGREED TO:  
STATE OF MAINE

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
MARGARET A. BENSINGER, ASSISTANT ATTORNEY GENERAL